



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE  
CIVIL RIGHTS BUREAU

October 28, 2013

**VIA FACSIMILE AND OVERNIGHT MAIL**

Mr. Mark Lee  
Chief Executive Officer  
Barneys New York  
575 Fifth Avenue, 11<sup>th</sup> Fl.  
New York, NY 10017

Re: Investigation of Racial Profiling of Customers

Dear Mr. Lee:

I am writing to address recent reports that Barneys profiles its customers on the basis of race. It is our understanding that, in two separate incidents earlier this year, Barneys may have falsely accused at least two African American customers of committing credit card fraud. These recent reports, as well as additional information reviewed by the Office of the Attorney General ("OAG"), suggest that Barneys may be engaging in a potential pattern of unlawful racial profiling of customers.

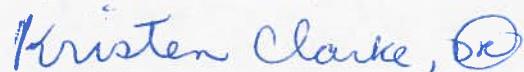
Under state and local civil rights law, "racial discrimination in places of public accommodation," including retail stores such as Barneys, is prohibited. Customers must be afforded the full and equal enjoyment of a public accommodation's goods, services, and facilities, regardless of race. *See* New York State Human Rights Law, N.Y. Executive Law § 296 and New York Civil Rights Law § 40.

Attorney General Schneiderman is committed to ensuring that all New York residents are afforded equal protection under the law. The alleged repeated behavior of your employees raises troubling questions about your company's commitment to that ideal. For that reason, we ask that Barneys provide the following information to the OAG by November 1, 2013: (1) Barneys' policies and procedures for stopping, detaining and questioning its customers; (2) the total number of stops and detentions of customers between October 15, 2012 and October 15, 2013, by race; (3) all documents concerning stops and detentions identified in response to Request No. 2; (4) Barneys' policies and procedures for contacting law enforcement regarding its customers; (5) copies of all contracts or agreements with private security firms, law enforcement agencies or other entities that provide store security, including copies of all related security protocols and

policies; (6) anti-discrimination policies in effect as of October 1, 2013; (7) training materials for store personnel concerning the aforementioned policies and procedures; and (8) customer complaints received within the last year relating to discrimination on the basis of race, and stops, detentions, and/or questioning of customers by or at the request of store personnel.

Please contact my office by Wednesday, October 30, 2013 to schedule a meeting to discuss this matter further. You can reach my office by contacting me at 212-416-8250, or Assistant Attorney General Dariely Rodriguez at 212-416-8253.

Sincerely,

A handwritten signature in blue ink that reads "Kristen Clarke, DR". The "DR" is enclosed in a small circle.

Kristen Clarke  
Bureau Chief, Civil Rights Bureau  
Office of the Attorney General of the State of New York



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ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE  
CIVIL RIGHTS BUREAU  
KRISTEN CLARKE, BUREAU CHIEF

October 28, 2013

VIA FACSIMILE AND OVERNIGHT MAIL

Mr. Peter Sachse  
Chief Stores Officer  
Macy's East  
151 West 34th Street  
New York, NY 10001

Re: Investigation of Racial Profiling of Customers

Dear Mr. Sachse

I am writing to address allegations that Macy's East profiles its customers on the basis of race and/or national origin. Based upon recent press reports, it is our understanding that in an incident during the past month, Macy's East may have falsely accused an African-American customer of committing credit card fraud. The Office of the Attorney General ("OAG") has received a number of similar complaints. The press reports and these complaints suggest that Macy's East may be engaging in a potential pattern of unlawful racial profiling of its customers. As you no doubt are aware, in 2005, the OAG brought a federal lawsuit against Macy's East for precisely this type of misconduct. To resolve that lawsuit, Macy's East entered into a court-ordered settlement agreement requiring it not to engage in unlawful racial profiling. Given this prior settlement agreement, these new allegations are particularly troublesome.

Under state and local civil rights law, "racial discrimination in places of public accommodation", including retail stores such as Macy's East is prohibited. Customers must be afforded the full and equal enjoyment of a public accommodation's goods, services, and facilities, regardless of race. *See* New York State Human Rights Law, N.Y. Executive Law § 296 and New York Civil Rights Law § 40.

Attorney General Schneiderman is committed to ensuring that all New York residents are afforded equal protection under the law. The alleged repeated conduct of your employees raises troubling questions about your company's commitment to that ideal, and the company's

compliance with state and local civil rights laws. For that reason, we ask that Macy's East provide the following information to the OAG by November 1, 2013: (1) Macy's East's policies and procedures for stopping, detaining and, questioning its customers; (2) the total number of stops and detentions of customers between October 15, 2012 and October 15, 2013, by race and/or national origin; (3) all documents concerning stops and detentions identified in response to Request No. 2; (4) Macy's East's policies and procedures for contacting law enforcement regarding its customers; (5) copies of all contracts or agreements with private security firms, law enforcement agencies or other entities that provide store security, including copies of all related security protocols and policies; (6) anti-discrimination policies in effect as of October 1, 2013; (7) training materials for store personnel concerning the aforementioned policies and procedures; (8) customer complaints received within the last year relating to discrimination on the basis of race and/or national origin, and stops, detentions, and/or questioning of customers by or at the request of store personnel; and (9) a copy of Macy's East's "Trespass Notice."

Please contact my office by Wednesday, October 30, 2013 to schedule a meeting to discuss this matter further. You can reach my office by contacting me at 212-416-8252, or Assistant Attorney General Allegra Chapman at 212-416-6342.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kristen Clarke".

Kristen Clarke  
Bureau Chief, Civil Rights Bureau  
Office of the Attorney General  
of the State of New York